



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 8

1240 East 9th Street - Room 1695

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www.nlrb.gov

June 9, 2006

Derek Kaminski
7512 Ottawa
Cleveland, OH 44105

**RE: J. R. Holcomb d/b/a Harvard Distribution
Case No. 8-RD-02048**

Dear Mr. Kaminski:

The above-captioned case, filed on March 10, 2006 petitioning for an investigation and decertification of representative under Section 9 of the National Labor Relations Act, has been carefully investigated and considered.

On March 17, 2006, a charge was filed under case number 8-CA-36451 alleging that the Employer has failed and refused to bargain in good faith in violation of Section 8(a)(1) and (5) of the Act with the Laborer's International Union of North America, Local 860, AFL-CIO, the representative of its employees in the unit of employees involved in the instant petition.

Because the parties reached a settlement agreement which included a remedy that the Employer would bargain in good faith with Local 860, there is, accordingly no question concerning representation before the Board within the meaning of Section 9(c) of the Act. I am, therefore, dismissing the petition in the above-captioned case.

Although dismissed, this representation case is subject to reinstatement if, after the disposition of the charge in Case No. 8-CA-36451, such would be appropriate and the Petitioner herein so requests within 30 days thereof. The Petitioner will be served with a copy of the Order or other documents with dispose of the above-cited unfair labor practice proceeding.

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request therefore with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, D.C., 20570. A copy of such request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board in Washington, D.C., by the close of business on **June 23, 2006**. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the

Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail.

Very truly yours,

Frederick J. Calatrello
Regional Director

FJC/cjc

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

cc: Executive Secretary
National Labor Relations Board
Washington DC 20570

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